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FILED ELECTRONICALLY

The Honorable Leda Dunn Wettre
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Rm. 3C
Newark, New Jersey 07101

Re: *Pemberton v. Twp. of Edison, et al.*, No. 2:20-cv-04411-MCA-LDW

Dear Judge Wettre:

On behalf of plaintiff Crista Pemberton, I am writing to object to the sua sponte correspondence filed by defendants' counsel yesterday (ECF No. 33) without leave of court, and to request that the letter be stricken from the record for failing to comply with the court's scheduling order, and specifically disregarding Your Honor's instruction that the parties file a JOINT discovery dispute letter (ECF No. 30). As Mr. Baratz indicated in his Feb. 12, 2021 correspondence (submitted as an exhibit to the parties' joint dispute letter filed last Tuesday (ECF No. 32) he was in agreement that I would draft the letter, and provided the content he wished to include in the joint letter. Prior to filing the joint letter, I gave Mr. Baratz multiple opportunities over a four-day period to review the letter and/or to supplement defendants' contribution, but Mr. Baratz declined to do so.

Although I have not had an opportunity to thoroughly review Mr. Baratz's sua sponte letter filed yesterday, after briefly scanning its contents it was readily apparent that each of the arguments are merely repeated from his prior correspondence—most if not all of which were submitted as exhibits to the joint letter. As such, the contents of Mr. Baratz's Feb. 19, 2021 letter are redundant and/or moot, and need not be considered by the court.



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If, however, the court is inclined to consider defendants' unruly and untimely submission, plaintiff requests notice and a reasonable opportunity to prepare a response to its contents. Given counsel's current caseload and professional obligations, plaintiff respectfully requests that if the court decides not to strike Mr. Baratz's letter that the court allow plaintiff a sufficient time period to respond that includes at least one weekend.

Respectfully yours,

Joseph A. Bahgat

JAB/

CC: All counsel of record (by CM/ECF)